

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 BRIAN G. WALSH
Deputy Attorney General
4 State Bar No. 207621
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2535
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **JAMIE LYNNE LARINI**
1501 Palos Verdes Drive N 23
Harbor City, California 90710

14 Registered Nurse License No. RN 580471

15 Respondent.

Case No. 2010-229

ACCUSATION

16
17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely
19 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about May 2, 2001, the Board of Registered Nursing (Board) issued
22 Registered Nurse License Number RN 580471 to Jamie Lynne Larini ("Respondent"). The
23 Registered Nurse license was in full force and effect at all times relevant to the charges brought
24 herein. It expired on December 31, 2008, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code unless
28 otherwise indicated.

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7. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1444 states, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.”

COST RECOVERY

9. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Substantially-Related Criminal Convictions)

10. Respondent is subject to disciplinary action under section 490, and section 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, as a result of Respondent's convictions of crimes that are substantially related to the qualifications, functions, and duties, of a registered nurse, as follows:

a. On or about January 16, 2008, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 470, subdivision (d) [forgery], and one misdemeanor count of violating Penal Code section 459 [second-degree commercial burglary] in the criminal proceeding entitled *The People of the State of California v. Jamie Lynne Larini* (Super Ct. Los Angeles County, 2007, No. NA076482). The Court placed

1 Respondent on three years probation and ordered her to perform 60 days of community service.
2 The Court also ordered Respondent not to possess or use any credit cards other than those in her
3 own name, and specifically ordered Respondent not to possess any credit cards or bank books in
4 her mother's name unless there was a legal trust agreement in place. The underlying
5 circumstances occurred on or about November 18, 2007, when Respondent was arrested by
6 officers of the Long Beach Police Department after trying to purchase merchandise worth
7 \$1,620.63 from a COSTCO store in Long Beach, California, using a credit card and
8 identification that belonged to her mother and that she did not have permission to use.

b. On or about August 15, 2005, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23103 [reckless driving] in the criminal proceeding entitled *The People of the State of California v. Jamie Lynne Larini* (Super. Ct. Los Angeles County, 2005, No. 5LL01017). The Court accepted the prosecutor's statement that alcohol and/or drugs were involved in the incident, and Respondent was sentenced to 13 days in jail and placed on three years probation, with the following terms and conditions: (1) pay assessed fines and restitution totaling \$1,270.00; (2) not drive a motor vehicle unless lawfully licensed and insured; (3) not refuse to take a chemical/breath test for alcohol or drug detection if asked to take one by a peace officer; and (4) not operate a motor vehicle with any measurable amount of alcohol in her blood system. The underlying arrest occurred on or about May 29, 2005.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

11. Respondent is subject to disciplinary action under section 2761,
subdivision (a), for unprofessional conduct. Complainant refers to and incorporates all the
allegations contained in paragraph 10, including its subparagraphs (a) and (b), as though set forth
fully.

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3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol)**

5 12. Respondent is subject to disciplinary action under section 2761,
6 subdivision (a), in conjunction with section 2762, subdivision (b), as a result of Respondent's
7 use of alcohol in a manner that was dangerous to herself and others. Complainant refers to and
8 incorporates all the allegations contained in paragraph 10, subparagraph (b), as though set forth
9 fully.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Board issue a decision:

- 13 1. Revoking or suspending Registered Nurse License Number RN 580471
14 issued to Respondent;
- 15 2. Ordering Respondent to pay the Board the reasonable costs of the
16 investigation and enforcement of this case, pursuant to section 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: 10/22/09

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Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant